

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1-8 remain in the application. Claims 1, 5 and 6 have been amended to define the invention more clearly. The amendments to claim 6 incorporate the limitations that had been in claim 9. Accordingly, claim 9 has been cancelled.

Claims 1-9 were rejected under 35 USC 103(a) as being obvious over Walter et al. and Krieg et al. considered in view of Ogle taken with Manique et al. The Examiner concluded that Walter et al. and Krieg et al. show an apparatus and method for optical inspection of liquid solutions. The Examiner stated that both references teach that "the solution in its container is placed in an inspection station, in both the container and liquid is agitated so that extraneous material is moved in the liquid." The Examiner quoted from Walter et al. in which the Walter et al. reference stated that the liquid "has been positioned at an inspection station by suitable article handling means." The Examiner further acknowledged that both Walter et al. and Krieg et al. teach that the movement of extraneous material is achieved by rotating the container. However, the Examiner turned to Ogle and Manique et al. to show vibration in a liquid inspection system.

The short sentence in the Abstract of Ogle regarding the "gently shaken" bottle provides no information as to how, where or when the bottle is "shaken". People "shake" bottles of salad dressing by inverting the bottles. Rotation or inversion of a bottle about an axis, as shown in Walter et al. and Krieg et al. conceivably could be construed to meet the Ogle reference of "gently shaken". The applicant has determined that rotation and inversion are less effective and less predictable. In any event, Ogle shows only the

inspection station, and presumably the step of gently shaking occurs at the inspection station of Ogle.

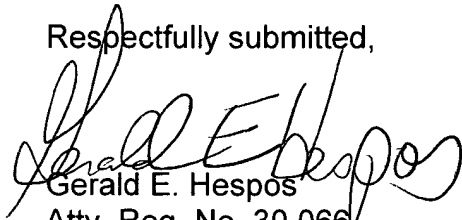
Manique et al. also performs the container rotation at the inspection station as shown in FIGS. 7A and 8. Furthermore, Manique et al. teaches vibration only in combination with rotation (i.e., "prior to rotation" (col. 6, line 42)). Thus, the bottle in the Manique et al. reference is vibrated and then rotated while in the inspection station.

An important object of the subject invention is to provide very high but accurate inspection rates. The specification, at page 3 explains that "inversion and spinning both take time, thereby slowing the inspection process." Additionally, rotation, inversion or any other sort of movement in the prior art takes place only when the container has been indexed into the inspection station, and thereby adds to the dwell time at the inspection station. As a result, all of the prior art substantially increases the time required for inspection. Additionally, the applicant has determined that particle movement generated by moving an unfixtured container is not very predictable or repeatable.

In contrast to the references, the vibrator of the claimed invention vibrates the container without rotation or inversion before the fixtured container is moved by the indexable fixture to the inspection station. Thus a major part of the vibration is carried out while the preceding container is in the inspection station being inspected. As a result, the invention defined by the amended claims enables a lower inspection cycle time. Additionally, the vibratory forces are applied to the container securely gripped by the fixture. The container is not "shaken" independently of the fixture. Thus there is high predictability and repeatability. Nothing in the hypothetical combination of references teaches or suggests this uniquely efficient system.

It is submitted that the invention defined by the amended claims is directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. Hespos", is written over the typed name.

Gerald E. Hespos

Atty. Reg. No. 30,066

Customer No. 001218

CASELLA & HESPOS LLP

274 Madison Avenue - Suite 1703

New York, NY 10016

Tel. (212) 725-2450

Fax (212) 725-2452

Date: September 25, 2003